

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
WHEELING DIVISION**

MARK MCEVOY, *et al.*,

Plaintiffs,

v.

DIVERSIFIED ENERGY COMPANY PLC,
et al.,

Defendants.

Civil Action No. 5:22-cv-00171-JPB
Judge John P. Bailey

**DIVERSIFIED'S ANSWER AND AFFIRMATIVE DEFENSES
TO PLAINTIFFS' THIRD AMENDED CLASS ACTION COMPLAINT**

Diversified Energy Company PLC; Diversified Gas & Oil, PLC; Diversified Oil and Gas LLC; Diversified Production LLC; Diversified Gas & Oil Corporation; and Alliance Petroleum Corporation (collectively, “Diversified”),¹ file this Answer and Affirmative Defenses to the Third Amended Class Action Complaint (ECF No. 322) (the “TAC”) filed by the Plaintiffs in the above-captioned case. Any allegation is admitted only as to the specific facts and not as to any conclusion, characterization, or implication contained in the allegation or TAC as a whole. The TAC’s introductory paragraph, headings, unnumbered content, footnotes, recitations, and prayer for relief are not substantive allegations to which a response is required; to the extent these matters were intended as substantive allegations, Diversified denies those allegations. Subject to the foregoing, Diversified states as follows:

¹ As Plaintiffs are aware, (1) Diversified Gas & Oil, PLC now operates as Diversified Energy Company PLC; (2) Alliance Petroleum Corporation now operates as Diversified Production LLC; and (3) Diversified Oil and Gas LLC does not exist.

ANSWER

1. The allegations contained in this paragraph and footnote 1 state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations contained in this paragraph and accompanying footnote.

2. The allegations contained in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations contained in this paragraph.

3. The allegations contained in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations contained in this paragraph.

4. The allegations contained in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations contained in this paragraph.

5. Diversified admits this case concerns transactions between Diversified and EQT that occurred in July 2018 and May 2020, but denies the remainder of this paragraph.

6. Diversified admits that Diversified paid EQT approximately \$642 million in exchange for approximately 12,000 gas wells. Diversified denies the remaining allegations contained in this paragraph.

7. The allegations contained in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations contained in this paragraph.

8. Diversified denies the allegations in paragraph 8.

9. Diversified denies the allegations in paragraph 9.

10. Diversified is without sufficient knowledge or information to form a belief as to the truth of the allegation about EQT's practices. Diversified denies the remaining allegations in this paragraph.

11. Diversified admits that Diversified paid EQT approximately \$642 million in exchange for approximately 12,000 gas wells. Diversified denies the remaining allegations in this paragraph.

12. Diversified denies the allegations in paragraph 12.

13. Diversified denies the allegations in paragraph 13.

14. The allegations contained in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations contained in this paragraph.

15. Diversified denies the allegations in paragraph 15.

16. Diversified denies the allegations in paragraph 16.

17. Diversified admits that the TAC was filed as a putative class action by the plaintiffs described in the TAC, but denies that Plaintiffs are entitled to any relief, either in their individual capacities or as class representatives. The remaining allegations state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the remaining allegations in this paragraph and accompanying footnote.

18. The allegations in this paragraph state legal conclusions to which no response is required.

19. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

20. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

21. Diversified admits Plaintiffs seek damages related to the plugging and decommission of wells on their property, but denies Plaintiffs are entitled to the relief sought. Diversified denies the remaining allegations in this paragraph.

22. The allegations in this paragraph state legal conclusions to which no response is required.

23. The allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

24. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

25. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

26. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

27. Diversified denies the allegations in paragraph 27.

28. Diversified denies the allegations in paragraph 28.

29. Diversified admits the allegations in paragraph 29.

30. Diversified denies the allegations in paragraph 30.

31. Diversified admits the allegations in paragraph 31.

32. Diversified admits Alliance Petroleum Company now operates as Diversified Production LLC. Diversified denies the remaining allegations in this paragraph.

33. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

34. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

35. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

36. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

37. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

38. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

39. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

40. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

41. Diversified is without sufficient knowledge or information to admit or deny the allegations in this paragraph.

42. Diversified denies the allegations in paragraph 42.

43. Diversified admits the allegations in paragraph 43.

44. Diversified admits that it valued the cost of plugging the transferred wells at \$26 million. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

45. Diversified denies the allegations in this paragraph and accompanying footnote.
46. Diversified denies the allegations in paragraph 46.
47. Diversified denies the allegations in paragraph 47.
48. Diversified denies the allegations in paragraph 48.
49. Diversified admits that its business model rarely involves drilling new wells.

Diversified further admits that its business model instead involves acquiring low producing wells and either extending their producing lives or plugging them at a low cost through its in-house plugging operations according to a schedule authorized by the West Virginia Office of Oil and Gas. To the extent Plaintiffs reference a portion of the Boettner Report, Diversified denies the accuracy of the premises and conclusions in the report.

50. Diversified denies the the allegations in paragraph 50.
51. Diversified denies the allegations in paragraph 51.
52. Diversified denies the allegations in paragraph 52.
53. Diversified denies the allegations in paragraph 53.
54. Diversified denies the allegations in paragraph 54.
55. Diversified denies the allegations in paragraph 55.
56. Diversified admits that it has entered into plugging schedules with certain state agencies. The remaining allegations in this paragraph concern legal conclusions to which no response is required, and to the extent a response is required Diversified denies the allegations. To the extent Plaintiffs quote or reference a portion of the Boettner Report, Diversified denies the accuracy of the premises and conclusions in the report. Diversified denies the remaining allegations in this paragraph and accompanying footnote.
57. Diversified denies the allegations in paragraph 57.

58. Diversified is without sufficient knowledge or information to admit or deny the allegation contained in this paragraph.

59. Diversified denies the allegations in paragraph 59.

60. Diversified denies the allegations in this paragraph and accompanying footnote, implied or otherwise.

61. Diversified denies the allegations in this paragraph and accompanying footnote, implied or otherwise.

62. Diversified denies the allegations in paragraph 62.

63. Diversified denies the allegations in paragraph 63.

64. Diversified denies the allegations in paragraph 64.

65. Diversified denies the allegations in paragraph 65.

66. Diversified denies the allegations in paragraph 66.

67. Diversified is without sufficient knowledge or information to admit or deny the allegation contained in this paragraph.

68. Diversified denies the allegations in paragraph 68.

69. Diversified denies the allegations in paragraph 69.

70. Diversified denies the allegations in paragraph 70.

71. Diversified admits it used Gain on Bargain Purchase accounting practices as appropriate or required. Diversified denies the remaining allegations in this paragraph.

72. Diversified denies the allegations in paragraph 72.

73. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

74. Diversified is without sufficient knowledge or information to admit or deny the allegation contained in this paragraph.

75. Diversified denies the allegations in paragraph 75.

76. Diversified denies the allegations in paragraph 76.

77. The allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations in this paragraph.

78. The allegations contained in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations contained in this paragraph.

79. The allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations in this paragraph.

80. Diversified denies the allegations in paragraph 80.

81. Diversified denies the allegations in paragraph 81.

82. Diversified denies the allegations in paragraph 82.

83. Diversified denies the allegations in paragraph 83.

84. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

85. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of the Boettner Report, Diversified denies the accuracy of the premises and conclusions in the report.

86. Diversified is without sufficient knowledge or information to admit or deny the allegation contained in this paragraph.

87. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

88. Diversified admits it purchased wells from EQT in 2012, 2018, and 2020. Diversified denies the remaining allegations in this paragraph.

89. To the extent Plaintiffs quote or reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph, implied or otherwise.

90. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

91. Diversified denies the allegations in paragraph 91.

92. Diversified denies the allegations contained in this paragraph.

93. Diversified denies the allegations in paragraph 93.

94. Diversified denies the allegations in paragraph 94.

95. Diversified denies the allegations in paragraph 95.

96. Diversified admits it is solvent and has been solvent at all relevant times. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

97. Diversified denies the allegations in paragraph 97.

98. Diversified denies the allegations in paragraph 98.

99. Diversified denies the allegations in paragraph 99.

100. Diversified denies the allegations in paragraph 100.

101. Diversified denies the allegations in paragraph 101.

102. Diversified denies the allegations in paragraph 102.

103. Diversified denies the allegations in paragraph 103.

104. Diversified denies the allegations in paragraph 104.

105. Diversified denies the allegations in paragraph 105.

106. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

107. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph and therefore denies them.

108. Diversified admits the allegations in paragraph 108.

109. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

110. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

111. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

112. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

113. Diversified admits the allegations in paragraph 113.

114. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

115. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

116. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

117. Diversified is without sufficient knowledge or information to admit or deny the allegation contained in this paragraph.

118. Diversified denies the allegations in paragraph 118.

119. Diversified admits the allegations in paragraph 119.

120. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

121. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

122. Diversified denies the allegations in paragraph 122.

123. Diversified denies the allegations in paragraph 123.

124. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

125. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

126. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

127. Diversified admits the allegations in paragraph 127.

128. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

129. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

130. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

131. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

132. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

133. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

134. Diversified is without sufficient knowledge or information to admit or deny the allegation contained in this paragraph.

135. Diversified admits the allegations in paragraph 135.

136. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

137. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

138. Diversified denies the well is abandoned or that there is no bona fide future use for that well. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

139. The allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations in this paragraph.

140. Diversified denies the allegations in paragraph 140.

141. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

142. Diversified admits the allegations in paragraph 142.

143. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

144. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

145. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

146. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

147. Diversified admits the allegations in paragraph 147.

148. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

149. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

150. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

151. Diversified is without sufficient knowledge or information to admit or deny the allegation contained in this paragraph.

152. Diversified denies the allegations in paragraph 152.

153. Diversified admits the allegations in paragraph 153.

154. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

155. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

156. Diversified denies the allegations in paragraph 156.

157. Diversified denies the allegations in paragraph 157.

158. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

159. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

160. Diversified admits the allegations in paragraph 160.

161. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

162. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

163. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

164. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

165. Diversified admits the allegations in paragraph 165.

166. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

167. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

168. Diversified admits that the Office of the Oil and Gas lists the status of the wells as abandoned but denies that the wells are abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

169. Diversified is without sufficient knowledge or information to admit or deny the allegation contained in this paragraph.

170. Diversified denies the allegations in paragraph 170.

171. Diversified admits the allegations in paragraph 171.

172. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

173. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

174. Diversified denies the allegations in paragraph 174.

175. Diversified denies the allegations in paragraph 175.

176. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

177. Diversified admits the allegations in paragraph 177.

178. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

179. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

180. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

181. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

182. Diversified admits the allegations in paragraph 182.

183. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

184. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

185. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

186. Diversified is without sufficient knowledge or information to admit or deny the allegation contained in this paragraph.

187. Diversified denies the allegations in paragraph 187.

188. Diversified admits the allegations in paragraph 188.

189. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

190. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

191. Diversified denies the allegations in paragraph 191.

192. Diversified denies the allegations in paragraph 192.

193. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

194. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

195. Diversified admits the allegations in paragraph 195.

196. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

197. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

198. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

199. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

200. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

201. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

202. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

203. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

204. Diversified denies that the wells are abandoned or no longer will be used for oil and gas production or activities related to the production and sale of oil and gas. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

205. Diversified admits the allegations in paragraph 205.

206. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

207. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

208. Diversified denies the well is abandoned or that there is no bona fide future use for that well. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

209. Diversified denies the allegations in paragraph 209.

210. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

211. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

212. Diversified admits the allegations in paragraph 212.

213. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

214. The allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations in this paragraph.

215. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

216. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

217. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

218. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

219. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

220. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

221. Diversified denies the allegations in paragraph 221.

222. Diversified admits the allegations in paragraph 222.

223. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

224. Diversified denies the allegations in paragraph 224.

225. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

226. Diversified denies the allegations in this paragraph.

227. Diversified denies the allegations in paragraph 227.

228. Diversified admits the allegations in paragraph 228.

229. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

230. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

231. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

232. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

233. Diversified admits that it has reported production on wells 047-045-01532, 047-045-01646, and 047-045-01556 as recently as 2021. Diversified further admits that upon cessation of mineral production, each well will require plugging and full reclamation as directed by the West Virginia Department of Environmental Protection unless there is a bona fide future use for the well. Diversified however denies that any implication that such cessation inevitably will occur while Diversified owns those wells. Diversified denies the remaining allegations in paragraph 233.

234. Diversified denies the allegations in paragraph 234.

235. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

236. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

237. Diversified admits the allegations in paragraph 237.

238. Diversified admits the allegations in paragraph 238.

239. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

240. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

241. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

242. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

243. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

244. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

245. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

246. Diversified denies the allegations in paragraph 246.

247. Diversified admits the allegations in paragraph 247.

248. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

249. Diversified denies the allegations in paragraph 249.

250. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

251. Diversified denies the allegations in this paragraph.

252. Diversified denies the allegations in paragraph 252.

253. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

254. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

255. Diversified admits the allegations in paragraph 255.

256. Diversified admits the allegations in paragraph 256.

257. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

258. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

259. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

260. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

261. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

262. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

263. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

264. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

265. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

266. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

267. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

268. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

269. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

270. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

271. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

272. Diversified denies the allegations in paragraph 272.

273. Diversified admits the allegations in paragraph 273.

274. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

275. Diversified admits that it has reported production on wells 047-091-00720 and 047-091-00721. Diversified further admits that upon cessation of mineral production, each well will require plugging and full reclamation as directed by the West Virginia Department of Environmental Protection unless there is a bona fide future use for the well. Diversified however denies that that any implication that such cessation inevitably will occur while Diversified owns those wells. Diversified denies the remaining allegations in paragraph 328.

276. Diversified denies the allegations in paragraph 276.

277. Diversified denies the allegations in paragraph 277.

278. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

279. Diversified denies the allegations in this paragraph.

280. Diversified denies the allegations in paragraph 280.

281. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

282. Diversified admits the allegations in paragraph 282.

283. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

284. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

285. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

286. Diversified admits that it reported natural gas production in 2021 for well 047-035-01615 and that it shut off and disconnected the well in 2018. Diversified however denies any implication that this well is abandoned under West Virginia law.

287. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

288. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

289. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

290. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

291. Diversified denies the allegations in paragraph 291.

292. Diversified denies the allegations in paragraph 292.

293. Diversified admits the allegations in paragraph 293.

294. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

295. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

296. The allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations in this paragraph.

297. Diversified denies the allegations in paragraph 297.

298. Diversified denies the allegations in paragraph 298.

299. Diversified denies the allegations in paragraph 299.

300. Diversified denies the allegations in paragraph 300.

301. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

302. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

303. Diversified admits the allegations in paragraph 303.

304. Diversified admits the allegations in paragraph 304.

305. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

306. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

307. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

308. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

309. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

310. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

311. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

312. Diversified denies the allegations in paragraph 312.

313. Diversified admits the allegations in paragraph 313.

314. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

315. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

316. Diversified denies the allegations in paragraph 316.

317. Diversified denies the allegations in paragraph 317.

318. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

319. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

320. Diversified admits the allegations in paragraph 320.

321. Diversified admits the allegations in paragraph 321.

322. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

323. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

324. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

325. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

326. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

327. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

328. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

329. Diversified denies the allegations in paragraph 329.

330. Diversified admits the allegations in paragraph 330.

331. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

332. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

333. Diversified denies the allegations in paragraph 333.

334. Diversified denies the allegations in paragraph 334.

335. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

336. Diversified admits the allegations in paragraph 336.

337. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

338. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

339. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

340. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

341. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

342. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

343. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

344. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

345. Diversified denies the allegations in paragraph 345.

346. Diversified admits the allegations in paragraph 346.

347. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

348. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

349. Diversified denies the allegations in paragraph 349.

350. Diversified denies the allegations in paragraph 350.

351. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

352. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

353. Diversified admits the allegations in paragraph 353.

354. Diversified admits the allegations in paragraph 354.

355. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

356. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

357. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

358. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

359. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

360. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

361. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

362. Diversified denies the allegations in paragraph 362.

363. Diversified admits the allegations in paragraph 363.

364. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

365. Diversified denies the allegations in paragraph 365.

366. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

367. Diversified denies the allegations in this paragraph.

368. Diversified denies the allegations in paragraph 368.

369. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

370. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

371. Diversified admits the allegations in paragraph 371.

372. Diversified admits the allegations in paragraph 372.

373. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

374. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

375. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

376. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

377. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

378. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

379. Diversified admits that the Office of the Oil and Gas lists the status of the wells as abandoned but denies that the wells are abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

380. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

381. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

382. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

383. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

384. Diversified denies the allegations in paragraph 384.

385. Diversified admits the allegations in paragraph 385.

386. Diversified denies the allegations in paragraph 386.

387. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

388. Diversified denies the allegations in this paragraph.

389. Diversified denies the allegations in paragraph 389.

390. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

391. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

392. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

393. Diversified admits the relevant wells produced less than 2 BOED equivalent in the last three years. Diversified denies the remaining allegations in paragraph 393.

394. Diversified admits that these five wells currently report mineral production. Diversified further admits that upon cessation of mineral production, each well will require plugging and full reclamation as directed by the West Virginia Department of Environmental Protection unless there is a bona fide future use for the well. Diversified however denies that that any implication that such cessation inevitably will occur while Diversified owns those wells. Diversified denies the remaining allegations in paragraph 394.

395. Diversified denies the allegations in paragraph 395.

396. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

397. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

398. Diversified admits the allegations in paragraph 398.

399. Diversified admits the allegations in paragraph 399.

400. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

401. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

402. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

403. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

404. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

405. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

406. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

407. Diversified denies the allegations in paragraph 407.

408. Diversified admits the allegations in paragraph 408.

409. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

410. Diversified denies the allegations in paragraph 410.

411. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

412. Diversified denies the allegations in paragraph 412.

413. Diversified denies the allegations in paragraph 413.

414. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

415. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

416. Diversified admits the allegations in paragraph 521.

417. Diversified admits the allegations in paragraph 522.

418. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

419. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

420. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

421. Diversified admits that the Office of the Oil and Gas lists the status of well 07-091-00983 as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

422. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

423. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

424. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

425. Diversified denies the allegations in paragraph 425.

426. Diversified admits the allegations in paragraph 426.

427. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

428. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

429. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

430. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

431. Diversified denies the allegations in paragraph 431.

432. Diversified denies the allegations in paragraph 432.

433. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

434. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

435. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

436. Diversified further admits that upon cessation of mineral production, each well will require plugging and full reclamation unless there is a bona fide future use for the well. Diversified however denies that any implication that such cessation inevitably will occur while Diversified owns those wells. Diversified denies the remaining allegations in paragraph 436.

437. Diversified denies the allegations in paragraph 437.

438. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

439. Diversified denies the allegations in paragraph 439.

440. Diversified denies the allegations in paragraph 440.

441. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

442. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without

sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

443. Diversified admits the allegations in paragraph 443.

444. Diversified admits the allegations in paragraph 444.

445. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

446. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

447. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

448. Diversified admits that the Office of the Oil and Gas lists the status of the well as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

449. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

450. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

451. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

452. Diversified denies the allegations in paragraph 452.

453. Diversified admits the allegations in paragraph 453.

454. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

455. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

456. Diversified denies the allegations in paragraph 456.

457. Diversified denies the allegations in paragraph 457.

458. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

459. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified is without sufficient knowledge or information to admit or deny the remaining allegations contained in this paragraph.

460. Diversified admits the allegations in paragraph 460.

461. Diversified admits the allegations in paragraph 461.

462. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

463. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

464. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

465. Diversified admits that the Office of the Oil and Gas lists the status of well 47-079-00966 as abandoned but denies that the well is abandoned under West Virginia law. Diversified denies the remaining allegations in this paragraph.

466. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

467. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

468. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

469. Diversified denies the allegations in paragraph 469.

470. Diversified admits the allegations in paragraph 470.

471. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph.

472. Diversified is without sufficient knowledge or information to admit or deny the allegations contained in this paragraph. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself.

473. To the extent Plaintiffs reference a portion of a specific document, Diversified refers Plaintiffs to that document for its contents, which speaks for itself. Diversified denies the remaining allegations in this paragraph.

474. Diversified denies the allegations in paragraph 474.

475. The allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified admits that Plaintiffs have characterized the Class in the manner alleged.

476. The allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified admits that Plaintiffs have characterized the Class in the manner alleged.

477. Diversified denies the allegations in paragraph 477.

478. Diversified denies the allegations in paragraph 478.

479. Diversified denies the allegations in paragraph 479.

480. Diversified denies the allegations in paragraph 480.

481. Diversified denies the allegations in paragraph 481.

482. Diversified denies the allegations in paragraph 482.

483. Diversified denies the allegations in paragraph 483.

484. Diversified denies the allegations in paragraph 484.

485. Diversified denies the allegations in paragraph 485.

486. Diversified denies the allegations in paragraph 486.

487. No response is required to the allegations contained in this paragraph. In response to Plaintiffs' reincorporation, Diversified incorporates its responses to paragraphs 1–486 by reference as if fully stated verbatim herein.

488. Diversified denies the allegations in paragraph 488.

489. Diversified admits that its wells physically occupy Plaintiffs' properties.

Diversified denies the remaining allegations in paragraph 489.

490. Diversified denies the allegations in paragraph 490.

491. Diversified denies the allegations in paragraph 491.

492. Diversified denies the allegations in paragraph 492.

493. The allegations in this paragraph state legal conclusions to which no response is required. To the extent a response is required, Diversified denies the allegations in this paragraph.

494. Diversified denies the allegations in paragraph 494.

495. No response is required to the allegations contained in this paragraph. In response to Plaintiffs' reincorporation, Diversified incorporates its responses to paragraphs 1–494 by reference as if fully stated verbatim herein.

496. Diversified denies the allegations in paragraph 496.

497. Diversified denies the allegations in paragraph 497.

498. Diversified denies the allegations in paragraph 498.

499. Diversified denies the allegations in paragraph 499.

500. Diversified denies the allegations in paragraph 500.

501. No response is required to the allegations contained in this paragraph. In response to Plaintiffs' reincorporation, Diversified incorporates its responses to paragraphs 1–500 by reference as if fully stated verbatim herein.

502. Diversified denies the allegations in paragraph 502.

503. Diversified denies the allegations in paragraph 503.

504. Diversified denies the allegations in paragraph 504.

505. Diversified denies the allegations in paragraph 505.

506. Diversified denies the allegations in paragraph 506.

507. Diversified denies the allegations in paragraph 507.

508. Diversified denies the allegations in paragraph 508.

509. Diversified denies the allegations in paragraph 509.

510. Diversified denies the allegations in paragraph 510.

- 511.** Diversified denies the allegations in paragraph 511.
- 512.** Diversified denies the allegations in paragraph 512.
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- 514.** Diversified denies the allegations in paragraph 514.
- 515.** Diversified denies the allegations in paragraph 515.
- 516.** Diversified denies the allegations in paragraph 516.
- 517.** Diversified denies the allegations in paragraph 517.
- 518.** Diversified denies the allegations in paragraph 518.
- 519.** Diversified denies the allegations in paragraph 519.
- 520.** Diversified denies the allegations in paragraph 520.
- 521.** Diversified denies the allegations in paragraph 521.

PLAINTIFFS' PRAYER FOR RELIEF

1. Diversified denies that Plaintiffs are entitled to any relief sought in their individual capacities or on behalf of a class, and objects to the relief requested in subparagraphs 1–11.

AFFIRMATIVE DEFENSES

Diversified submits the following affirmative defenses to the allegations and claims Plaintiffs assert in the TAC. By pleading these defenses, Diversified does not assume the burden of proof, except as to those defenses deemed by law to be affirmative defenses, irrespective of how they are pleaded in this Answer.

FIRST DEFENSE

(Failure to State a Claim)

Plaintiffs have failed to state a claim for which relief can be granted and their claim should be dismissed as a matter of law.

SECOND DEFENSE

(Failure to Join Indispensable Parties)

Plaintiffs' claims cannot be sustained because Plaintiffs have failed to join necessary parties, without which Plaintiffs' claims cannot be adjudicated.

THIRD DEFENSE

(Failure to Meet Rule 23 Requirements)

Plaintiffs' claims, purported to be brought on behalf of putative classes of property owners, cannot be sustained as a class action and do not meet the requirements of Federal Rule of Civil Procedure 23.

FOURTH DEFENSE

(Failure to Meet Rule 23 Requirements)

Plaintiffs' claims, purported to be brought on behalf of putative classes of property owners, cannot be sustained as a class action and do not meet the requirements of Federal Rule of Civil Procedure 23.

FIFTH DEFENSE

(Statute of Limitations and Laches)

Plaintiffs' claims are barred in whole or in part by the applicable statute of limitations and/or the doctrine of laches. Plaintiffs' claims are stale and were brought after an unreasonable delay in asserting Plaintiffs' rights.

SIXTH DEFENSE

(Improper Collateral Attack)

Plaintiffs' claims are barred in whole or in part because they constitute an improper collateral attack on the Office of Oil and Gas's consent order establishing that Diversified is not currently obligated to plug the relevant wells and may instead proceed on an authorized schedule.

SEVENTH DEFENSE

(Preemption)

Plaintiffs' claims that are barred in whole or in part because Diversified cannot plug any wells without the Office of Oil and Gas's approval and Plaintiffs' requested relief that Diversified plug all wells immediately would interfere with the Office of Oil and Gas's supervisory authority.

See W. Va. Code § 22-6-28.

EIGHTH DEFENSE

(Compliance with Statutes and Regulations)

Plaintiffs' claims are barred in whole and in part because the Office of Oil and Gas, which is charged with establishing the scope of any duty to plug wells, has already determined that Diversified has no current duty to plug the relevant wells. *See W. Va. Code § 22-6-19.*

NINTH DEFENSE

(Failure to Meet AFTA and AUVTA Requirements)

Plaintiffs' actual and constructive fraudulent transfer claims cannot be sustained because Plaintiffs are not creditors under the Alabama Fraudulent Transfer Act and Alabama Uniform Voidable Transactions Act. Additionally, Plaintiffs cannot establish the need to void the transactions in order to recoup payment from Diversified. Finally, Plaintiffs assert claims based on the incurring of an obligation, not the transfer of an asset; there is no provision that authorizes the assertion of such a claim under the statutes at issue.

TENTH DEFENSE

(Lack of Ripeness)

Claims brought by Plaintiffs with currently producing wells are premature because there is currently no obligation to plug those well currently producing oil and/or natural gas and those Plaintiffs suffer no current damages as a result of any failure to plug those wells.

ELEVENTH DEFENSE

(Waiver)

Plaintiffs cannot prevail on their trespass or negligence claims because they knowingly and intentionally waived any argument respecting the wells on their property. Likewise, Plaintiffs are estopped from asserting these claims or recovering damages for the same.

TWELFTH DEFENSE

(Leases)

Plaintiffs cannot prevail on their trespass or negligence claims because their alleged surface rights are subservient to Diversified's mineral rights and corresponding surface rights, whether created by contract or by operation of law.

THIRTEENTH DEFENSE

(Discharge)

Plaintiffs cannot prevail on their claims because they have been discharged in bankruptcy. Plaintiffs claim they became contingent, unmatured creditors the instant the wells were drilled and contingent, unmatured claims related to the well liabilities have been discharged as a result of bankruptcy proceedings.

FOURTEENTH DEFENSE

(Unclean Hands)

Plaintiffs cannot prevail on their claims because they have unclean hands and, due to the nature of their conduct, cannot justly prevail on their claims or recover damages in this case.

FIFTEENTH DEFENSE

(Failure to Mitigate, Offset, or Set-off)

Plaintiffs are not entitled to the full damages that they seek because they have failed to mitigate their damages or their claimed damages are subject to an offset based on Plaintiffs' conducts or payments made to Plaintiffs to-date.

RESERVATION OF RIGHTS AND DEFENSES

Diversified has not waived any applicable defenses, and it reserves the right to assert and rely on such other applicable defenses as may become available or apparent during these proceedings. Diversified reserves the right to amend its Answer and Defenses accordingly.

PRAYER FOR RELIEF

Diversified requests that the Court grant judgment against Plaintiffs on all claims asserted in the TAC; enter judgment in favor of Diversified; dismiss the TAC with prejudice; award Diversified its costs and attorneys' fees incurred in defending this action, according to law and contract; and grant such other and further relief as the Court deems just and proper.

JURY DEMAND

Diversified requests a jury trial.

Respectfully submitted:

/s/ Howard M. Persinger, III

Howard M. Persinger, III
PERSINGER & PERSINGER, L.C.
237 Capitol Street
Charleston, WV 25301
Phone: (304) 346-9333
Fax: (304) 346-9337
Email: hmp3@persingerlaw.com

Dated: August 29, 2023

Daniel Donovan, P.C. (admitted *pro hac vice*)

Ragan Naresh, P.C. (admitted *pro hac vice*)

KIRKLAND & ELLIS LLP

1301 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Phone: (202) 389-5267

Fax: (202) 389-5200

Email: daniel.donovan@kirkland.com

ragan.naresh@kirkland.com

Kenneth Young (*pro hac vice*)

Dustin Womack (*pro hac vice*)

KIRKLAND & ELLIS LLP

609 Main Street

Houston, TX 77002

Phone: (713) 836-3600

Fax: (713) 836-3601

Email: kenneth.young@kirkland.com

dustin.womack@kirkland.com

*Counsel for Defendants Diversified Energy Company PLC, Diversified Gas & Oil, PLC,
Diversified Production LLC, Diversified Gas & Oil Corporation, Diversified Oil and Gas LLC,
and Alliance Petroleum Corporation*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 29, 2023 a copy of the foregoing was served on all counsel of record via the Court's electronic filing system.

/s/ Howard M. Persinger, III

Howard M. Persinger, III